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GARY STEPHEN MAYNARD

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 2:21-CR-224-DJC-1
)
Plaintiff,) STIPULATION AND [PROPOSED] ORDER TO
) CONTINUE TCH AND TRIAL DATES AND
vs.) EXCLUDE TIME
)
GARY STEPHEN MAYNARD,)
) Judge: Hon. Daniel J. Calabretta
Defendant.)
)

IT IS HEREBY STIPULATED and agreed by and between United States Attorney Phillip A. Talbert, through Assistant United States Attorney Michael D. Anderson, counsel for Plaintiff; and Federal Defender Heather Williams, through Assistant Federal Defender Christina Sinha, counsel for Dr. Gary Stephen Maynard, that the trial confirmation hearing and trial commencement dates may be continued, and time may be excluded as detailed below.

The parties specifically stipulate as follows:

1. On April 19, 2023, prior defense counsel (who was first-chairing this case) set this matter for a jury trial. A trial confirmation hearing was scheduled for October 12, 2023, with trial set to commence on December 04, 2023. ECF No. 65.
2. Approximately three weeks ago, prior defense counsel left the Federal Defender's Office, and undersigned counsel became the first and sole chair attorney in this

1 matter. ECF No. 66.

- 2 3. Undersigned counsel has a trial in another case set before this Court in
3 October/November 2023, and other trials set for January 2024 (also before this
4 Court) and March 2024. As such, undersigned counsel has relayed to the
5 government that she will not be prepared to take the instant case to trial as
6 currently scheduled, and could not be prepared to take this matter to trial earlier
7 than mid- to late-April 2024.
- 8 4. Based on the above, the parties have met and conferred, as well as consulted with
9 the Courtroom Deputy. Based on those discussions, the parties respectfully
10 request that the Court **continue the trial confirmation hearing to March 07,**
11 **2024 at 9:00 a.m. and continue the trial commencement date to April 29, 2024**
12 **at 9:00 a.m.**
- 13 5. Defense counsel represents that she requires this additional time to get up to speed
14 on this case, review discovery, familiarize herself with the investigation
15 conducted by prior counsel, conduct additional needed investigation, explore legal
16 defenses, explore potential resolutions to the case, and otherwise prepare for trial.
17 She believes that failure to grant the requested continuance would deny her the
18 reasonable time necessary for effective preparation, taking into account the
19 exercise of due diligence.
- 20 6. The government does not object to the continuance.
- 21 7. Several time exclusions have previously been entered in this case. Most recently,
22 time was excluded under Local Code T-4 from April 19, 2023 through December
23 04, 2023. ECF No. 65.
- 24 8. Given the defense's instant request for a continuance, which the government does
25 not object to, and for the reasons stated herein, the parties further request that the
26 Court **exclude the additional time between December 04, 2023 and April 29,**
27 **2024 (inclusive)** under Local Code T-4.
- 28

9. The parties stipulate that the ends of justice served by granting the continuance outweighs the best interest of the public and Dr. Maynard in a speedy trial, and respectfully request the Court so to find. For the purpose of computing time under 18 U.S.C. § 3161 *et seq.* (the Speedy Trial Act), the parties request that the time period between December 04, 2023 and April 29, 2023 (inclusive) be deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv) (Local Code T4), because it would result from a continuance granted by the Court at the defense's request, based on a finding that the ends of justice served by granting the continuance outweighs the best interest of the public and Dr. Maynard in a speedy trial.

The parties therefore respectfully request this Court to adopt the parties' stipulation as its Order.

Respectfully submitted,

HEATHER E. WILLIAMS
Federal Defender

Date: August 21, 2023

/s/ Christina Sinha
CHRISTINA SINHA
Assistant Federal Defender
Attorneys for Defendant
GARY STEPHEN MAYNARD

Date: August 21, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ Michael D. Anderson
MICHAEL D. ANDERSON
Assistant United States Attorney
Attorneys for Plaintiff

ORDER

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order.

IT IS SO ORDERED.

Dated: August 22, 2023

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE